

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Kristen C. Umstattd presiding.

**Council Members Present:** Kelly Burk, David Butler, Thomas Dunn, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** Council Member Hammler. Council Member Martinez arrived at 7:39 p.m.

**Staff Present:** Town Manager John Wells, Deputy Town Attorney Barbara Notar, Director of Utilities Amy Wyks, Deputy Director of Utilities Aref Etemadi, Information Technology Manager Annie Carlson, Director of Economic Development Marantha Edwards and Clerk of Council Lee Ann Green

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**AGENDA****ITEMS****1. Work Session Items for Discussion****a. Leesburg 311**

Annie Carlson stated Leesburg 311 is the mobile application for information and service requests. She demonstrated how a member of the public can put in a service request

**Key Points:**

- App will allow staff to see issues that are being reported by the public
- Way to get information to the public
- Simple work order management system
- Will start with four departments
- Soft launch on July 7 without any advertising

**Council Comments/Questions:**

- Does the town want everything shared on Facebook?  
Staff answer: It is a fast way to notify people of safety issues
- Would like to be able to monitor activity
- Will things be posted on Facebook?  
Staff answer: The process with Facebook has not been completely worked through, but staff can return with a report on how the two can work together
- Expectation of response time needs to be set
- There needs to be back up so that if someone is out of the office, requests are still answered

**b. Economic Development Ambassador Program**

Jim Sisley, Chair, Leesburg Economic Development Commission, gave a brief presentation on the Commission's proposed Ambassador Program.

**Key Points:**

- Ambassador program announced at business forum where all town businesses are invited.
- Ambassadors are selected and trained
- Information packet available for new businesses

Council Comments/Questions:

- Has this been done in other localities?  
Speaker answer: Yes. Creative localities use this to try to make the business community feel wanted
- Ambassadors will be looking for trends, not individual issues – what is happening in general in the business community
- Town staff will still be reaching out to businesses?  
Speaker answer: Yes. They will work together.
- Ambassadors are not recruiting businesses
- If there is a potential new business that wants to come into town, lead would go to staff and staff would foster that lead
- Who decides which businesses and how many businesses that an ambassador visits?  
Speaker answer: It would be nice if they could visit one per week, but realistically, these are volunteers.
- Let the ambassadors, the EDC and the economic development staff develop this program without Council interference
- Would rather the EDC chooses the ambassadors, not Council.
- Could encourage other commissions to develop ambassadors to assist businesses in their field
- Gap analysis goes back how far before it is released?  
Speaker answer: Information is collected on an annual basis
- Have done a good job dealing with the potential for conflict of interests

There was Council consensus to vote to support this program.

c. Comprehensive Parking Program

Vice Mayor Butler stated that there was a recommendation to postpone this item until all Council members have an opportunity to respond to the survey.

There was Council consensus to postpone this item to the August work session

d. Utility Rate Discussion

John Wells stated the ad for the public hearing has been placed and provides for the maximum amount of flexibility. He stated that Council can vote tomorrow evening, if they so choose.

Council Questions/Comments:

- What is the total annual operating expenses in dollars that the utility has to cover?  
Consultant answer: Roughly \$14 million in FY14 and it goes up about 5% per year. Forecast shows gross requirements (including debt service) would range from \$17.5 million and increase to \$33 million over an 11 year period. This combines water and wastewater.
- Based on the rate scenario recommended tonight, what is the total annual income anticipated by fiscal year?  
Consultant answer: Directed Council to Table 14 that shows forecasted revenues.
- If the proposed rates cover too much, are you anticipating that there is too much conservation and the usage rate needs to go down and the fixed rates need to go up, will there be any extra to cover the small CIP projects?  
Consultant answer: The forecast is a reasonable forecast to cover the operating expenditures and the CIP needs. It is not targeted to generate a surplus. That is not programmed into the forecast. We assumed that there is a need to transfer a certain amount of money for capital reinvestment. Will need to be evaluated annually, but would hope to meet or exceed the forecasts.
- Doesn't the 30,000 gallon rate cap for sewer usage keep the residential customer from getting a break?  
Consultant answer: Yes, but we were looking at it as a rate structure methodology. Effectively for the customers below the cap, they would get billed 1:1; however, the recommendation of 30,000 was based upon the level of service.
- Is the 30,000 gallon sewer cap a fair amount?  
Consultant answer: It is a very dynamic thing – if we raise one thing, something else will lower. There is an equal offset someplace.
- Have all the miscellaneous fees been adjusted?  
Staff answer: Some of the miscellaneous fees cover the cost of services provided. Some are to document an ordinance that was approved in the past, but was not added to the Town Code. These will be outlined in the presentation tomorrow night.
- Rates are fair in comparison with other jurisdictions in Loudoun County.
- Would like to know what the curve looks like for commercial customers  
Consultant answer: Can prepare a chart to show this information
- Would bringing a new business into town would have a greater impact on the utility system than bringing new houses into town?
- Would additional usage impact the rate increase?  
Consultant answer: Currently user fee revenues generate 6-7% fixed charge recovery, so the remaining 93-94% come from flow charges. If 2-3% growth in flows occurred, revenues would go up by a corresponding amount and would offset whatever rate increase was

identified; however, the revenues would need to be sustainable. Fluctuations in usage underline the recommendation for increase in fixed charges rather than flow charges.

- Don't want to put a greater burden on the residents by reducing what the commercial rate payers pay
- Believe that the out of town differential should be significantly higher than for in town users
- Is there an alternate scenario should Council choose not to increase the fixed rate to the level that is recommended?

Consultant answer: The simple answer is no, but because the methodology was to identify the amount of costs and associated revenues that would be required, then the second step was to design rates. Costs would need to be recovered from usage revenues

- What would happen if there was no cap on the wastewater?  
Consultant answer: There would be more billing units over which to recover the same amount of projected costs – it would lower the unit rate, but more units could be charged.

## 2. **Additions to Future Council Meetings**

Mayor Umstadt stated that Rod Williams cannot attend tomorrow night's meeting, but a Resolution of Appreciation can be passed and presented to him at his going away event. Council Member Burk requested that all Council Members sign this Resolution.

Council Member Martinez noted that the Parks and Recreation Commission meeting caused him to be late for the Council meeting. He further noted that there is a walking trail that is being used by horseback riders through the area on Edwards Ferry Road.

Vice Mayor Butler requested that the Standing Residential Traffic Committee look at making Hope Parkway in Stratford a two lane road with parking on both sides. The Town Manager will have to send it to the SRTC for consideration. There were four members that agreed to have this done.

Council Member Dunn requested a discussion about providing water to Raspberry Falls. There were not four members wishing to discuss this topic unless a request comes from Loudoun Water.

## 3. **Adjournment**

*On a motion by Council Member Martinez, seconded by Council Member Wright, the meeting was adjourned at 10:04 p.m.*

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Umstattd presiding.

**Council Members Present:** Kelly Burk, David Butler, Thomas Dunn, Marty Martinez, Kevin Wright and Mayor Umstattd. Council Member Katie Sheldon Hammler participated remotely.

**Council Members Absent:** None. Council Member Burk arrived at 7:43 p.m.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Library Manager Alexandra Gressitt, Senior Planner Mike Watkins, Director of Utilities Amy Wyks, Director of Parks and Recreation Rich Williams, Parks and Public Space Planner Bill Ference, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Vice Mayor Butler
3. **SALUTE TO THE FLAG:** Mack Enser, Boy Scout
4. **APPROVAL OF REQUEST FOR REMOTE PARTICIPATION:**
  - a. Council Member Hammler  
*On a motion by Vice Mayor Butler, seconded by Council Member Wright, and approved unanimously (5-0-2, Burk absent), Council Member Hammler was approved to participate remotely.*
5. **ROLL CALL:** Showing Council Member Burk arriving at 7:43 p.m.
6. **MINUTES**
  - a. Work Session Minutes of July 7, 2014  
*On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the minutes of the work session meeting of July 7, 2014 were approved by a vote of 6-0-1 (Burk absent).*
  - b. Regular Session Minutes of July 8, 2014  
*On a motion by Vice Mayor Butler, seconded by Council Member Dunn, the minutes of the Regular session meeting of July 8, 2014 were approved by a vote of 6-0-1 (Burk absent).*
7. **ADOPTING THE MEETING AGENDA**  
*On the motion of Vice Mayor Butler, seconded by Council Member Wright, the meeting agenda was approved by the following vote:*

*Aye: Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstattd*

*Nay: None*

*Vote: 6-0-1 (Burk absent)*

**8. PRESENTATIONS**a. Certificate of Appreciation

*On a motion by Vice Mayor Butler, seconded by Council Member Dunn, a Certificate of Recognition was presented to Elizabeth Preston for her work at the Thomas Balch Library as an archival specialist.*

b. Resolution of Appreciation

*On a motion by Council Member Martinez, seconded by Council Member Wright, a Resolution of Appreciation was approved for Rod Williams of INOVA Loudoun Hospital.*

**8. PETITIONERS**

The Petitioner's Section was opened at 7:43 p.m.

Monica Lopez Rodriguez stated she is from Columbia. She stated she supports Mr. Andrew Borgquist. She stated she believes what happened is not right. She expressed her concern over the policies and lack of due process that lead to his termination.

Andrew Borgquist stated he is here in his continued petition for reinstatement. He stated there are two issues at hand – first, the termination, which should be reversed, and the second aspect, which is the review process. He stated there is a lack of transparency and adequate documentation. He stated he is still waiting for an explanation of what occurred. He stated this is important because of accountability and transparency issues within the town. He stated he will continue to come to Council meetings as long as he has to and expressed his wish to not be ignored. He stated he possibly needs more people to come to help him impress upon Council that this should not be ignored.

The Petitioner's Section was closed at 7:48 p.m.

**9. APPROVAL OF THE CONSENT AGENDA**

*On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the following items were moved for approval as the Consent Agenda:*

a. *Brown's Meadow/ Woodberry Road Drainage Easement Acquisition****RESOLUTION 2014-078***

*Declaring that a Public Necessity and Use Exists, Authorizing the Acquisition of Permanent and Temporary Easements for the Browns Meadow Drainage Improvements Project*

b. *Flight School Office Lease Renewal****RESOLUTION 2014-079***

*Awarding a Lease to AV-ED Flight School, Inc. for Office Space in the Terminal at Leesburg Executive Airport*

- c. Easement Authorization for Access to Water Plant Serving Verizon

**RESOLUTION 2014-080**

*Authorizing Cellco Partnership, D/B/A Verizon Wireless Right of Way Easement Agreement at Edwards Ferry Road Substation Lot 2*

- d. Traffic Signal Easement on Airport Property

**RESOLUTION 2014-081**

*Authorizing the Mayor to Execute a Deed of Easement Conveying a Traffic Signal Easement on Airport Property to the Loudoun County Board of Supervisors for its Proposed Traffic Signal at the Intersection of Sycolin Road and Loudoun Center Place*

- e. Time Extension for Public Improvement Completion for PMW Farms, Sec. 4

**RESOLUTION 2014-082**

*Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Section 4 (TLCD 2010-0004)*

- f. Reduction of the Performance Guarantee for Public Improvements at Valley View Subdivision

**RESOLUTION 2014-083**

*Making a Reduction of the Performance Guarantee for Public Improvements at Valley View Subdivision (TLCD 2008-0003)*

- g. Economic Development Ambassador Program

**MOTION 2014-026**

*I move that Leesburg Economic Development Commission Ambassador Program be adopted as proposed and serve as a guide for business visits and gathering of trends to boost the work of the Economic Development staff*

*The Consent Agenda was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatt*

*Nay: None*

*Vote: 7-0*

**10. PUBLIC HEARINGS**

- a. TLZM 2013-0006 Chesterfield Place  
The public hearing was opened at 7:50 p.m.

Michael Watkins stated the applicant for this proposal to rezone the property from B-1 to PRN is the owners of the Chesterfield Place Condominiums.

## Key Points:

- Purpose is to perceived conflicts between unit types
- Site plan was originally approved in the mid-1980s.
- Approved as B-2, Residential Condominium
- Subsequently, this dwelling unit type was removed from the ordinance and the property was comprehensively rezoned to the B-1 district
- Process will put each individual townhouse unit on a fee-simple lot
- No proffers are associated with this concept plan, as the dwelling units are existing and constructed by-right
- Modifications include lot size and parking standards based on current ordinance standards, deck setbacks, buffer and screening, and on-lot tree canopy requirements
- Staff recommends approval of the application

## Council Comments/Questions:

- Why the change now?  
Staff answer: At the time of settlement, in preparation for title examination, it has residential condominium; however, the unit type is not permitted in the B-1. This would streamline the settlement process.
- Is PRN the best zoning district for this?  
Staff answer: PRN allows the applicant to specify the development district requirements in terms of lot size, setbacks, etc.

Michael Banzhaf, an owner in the Chesterfield Place Condominiums, and representative for the application gave a brief presentation on their request to rezone their development.

## Key points:

- All 33 owners are in agreement.
- PRN was chosen because of the ability to modify zoning requirements
- No new construction is proposed

*Verbatim follows:*

Irby: Madam Mayor, I have just a couple of questions to make sure the record is clear.

Umstattd: Sure, sure, sure.

Irby: Mike, you and I discussed this previously, and I have expressed some concerns, so I don't think it will be any surprise to you about changing the ownership interests with respect to the condo association. How are you treating the common areas? Are you treating them separately as fee-simple lots or is each condo still having an undivided interest in that whole?

Banzhaf: When the – what is going to happen if this gets approved, is there will be a subdivision. In order to do that, you have to unwind the condominium – you have to dissolve the condominium. There is a provision in state statute that says if you give notice and lenders don't respond within 60 days, they are deemed to have approved back, so that the condo documents can be amended that way. There may be lender consent required because of the deeds of trust, you have to get their consent before that. At the end of all this, each unit owner would have a lot – his unit would essentially be a single family attached lot. All the area around that, the parking area, the common land all around it would be owned by an entity. The entity would own all that land, just the way it does now.

Irby: So, what provisions have you made, because it is not part of this application in the event that all of the deeds of trust don't agree and you cannot subdivide everybody? Are you going to subdivide them separately? So, for example if ten agree and you are going to take ten fee-simple lots out and then the other 20 remain?

Banzhaf: I am confident that we will be able to get the consent of the lenders on this. It is our burden to take on. Frankly, the rezoning doesn't require that. Rezoning can be initiated by any one unit owner and an owner can request the rezoning and the Town Council, as a legislative body, can act in a legislative fashion on the rezoning. Thereafter, at the subdivision stage, it is our burden to get the consent for individual deeds of trust to make sure the lenders are satisfied.

Irby: But, I guess my concern, and why I want to address it, so that if this comes back to Council –if let's say you can't get everybody, but you have five people who can get consent and they want to remove themselves from the condo and now they can because they have been rezoned, there is no requirement that you have to do any kind of preliminary subdivision plats anymore because you are under 50, so they can just then subdivide.

Banzhaf: Well, they won't be able to do it unless they have consent of all. To do so is going to take everybody to put that deed together, so all this rezoning does is rezone the property. It will be on us to subdivide it. If we can't get everybody to consent, we won't subdivide it.

Irby: But that is not a requirement. That's not a requirement that you have to get everybody – or are you saying that it is a requirement that everyone has to consent before you are legally required to subdivide or can you just subdivide in pieces?

Banzhaf: No, we have to have all consent. If you didn't have a condominium, it would be a tenancy in common by 33 owners.

Irby: I understand.

Banzhaf: So you would have to have one document – the grantor would be all 33 people. The grantees would be all 33. So you would have to go through that.

Irby: I just want to be crystal clear that we are not going to see someone come in here or to our building department or our zoning department saying that there is five of us – we are separating ourselves out and you have to do it by-right. You are affirmatively...

Banzhaf: Based on this rezoning – that won't – the rezoning will be the rezoning. It was – we wanted it to be PRN.

Irby: I just want it crystal clear. I know I am being a pain, but you are saying by law – you cannot do that.

Banzhaf: You can't. Others would have an interest in their land, which they would have to get consent to do that.

Irby: My point exactly. But, I don't want there to be any misunderstanding when a group comes in – not that they will – saying that there is five of us. We have gotten our deeds of trust folks to release. We no longer want any interest in the undivided interest of the common areas and we want to subdivide out of this group. And you are saying that cannot happen?

Banzhaf: They won't have any access unless they have an easement across the common areas – so I feel pretty comfortable that arrangement that we discussed will work. We have 33 lots, one common area with an easement access for all. I figure it will be fine. I understand your concern, but I am sure we can deal with it.

Irby: I am very concerned because ten years from now, someone may not remember this, and I just want the record to be clear.

Banzhaf: It will be sooner than that that we deal with this – this year.

*End Verbatim.*

Council Comments/Questions:

- I understand we are modifying the PRN regulations from 5 to 3.2 acres to accommodate this and reducing parking. Is this going to be a one time thing or are we now changing the PRN regulations?

Staff answer: I believe it is with respect to just this application.

Andrea McGimsey: Former Loudoun County Board Supervisor McGimsey stated she is now a resident of Leesburg. She stated she supports this rezoning as it makes sense. She stated she lives in a townhouse directly abutting this neighborhood. She stated they have been having a ponding issue with rainwater on the Chesterfield Place property caused by a debris pile. Further, she

noted that there is a large tree that is in the process of dying and expressed concern about who will be responsible for maintenance of this tree. She stated the debris pile has been investigated by the town and found to not rise to the level of a public nuisance.

Anna Richards (130 Chesterfield Place) stated she is the president of the Homeowner's Association. She thanked members of the board, Mr. Banzhaf and Joan Rust for working on this project. She distributed pictures of the property to Council. She noted that the ponding only occurs when there is an unusually heavy rain. She stated the debris pile was placed in the area in order to reduce the speed of the water entering the area of the adjoining townhomes. She stated the tree in question has been assessed by an arborist and found to be healthy and was found to be more likely to fall the other way – away from the neighboring townhomes, if it were to fall.

Carole Vandergrift (109 Chesterfield Place), stated that after a recent heavy storm she saw water ponded in the spot the earlier speaker noted, but that was the only time she has ever seen standing water in that location.

Jack Partlow (107 Chesterfield Place) stated he recently obtained a mortgage, the classification as a condominium added points to his mortgage costing him around \$20,000 over the life of the mortgage. He stated changing the zoning would allow the owners to refinance at a lower rate.

Michael Banzhaf stated the water ponds in that particular area because it is located in the floodplain. He noted the tree in question is in a different area than the area to be addressed, so a modification would not be appropriate.

The public hearing was closed at 8:21 p.m.

*On a motion by Council Member Martinez, seconded by Council Member Dunn, the following was proposed:*

**ORDINANCE 2014-O-023**

*Approving TLZM 2013-0006 Chesterfield Place, to Rezone the Existing 3.2 acre Chesterfield Condominium Development from B-1 to PRN*

Council comments/questions:

- It is easier to obtain financing on non-condominium properties
- Is it appropriate to add conditions to reflect Ms. McGimsey's request?  
Staff answer: It is an exchange between private property owners which can hopefully be worked out between themselves.
- Is there any reason the applicant would not want to address Ms. McGimsey's concerns?

Applicant answer: The idea of the brush pile was to keep people from coming in from the W&OD trail. It also creates a habitat for wildlife and slows down water from the creek.

- Tree was checked by an arborist, who determined that it was not in distress
- Would like to confirm that the streets and parking courts will remain private.  
Applicant confirmed that the parking courts will remain private.

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatt*

*Nay: None*

*Vote: 7-0*

b. Water and Sewer Rates

The public hearing was opened at 8:27 p.m.

John Wells started the presentation, followed by the consultant, Thierry Bovary, and Amy Wyks, on the proposal to increase utility rates.

Key points:

- Current rates are not adequate to fund the needs of the system over the next five years
- Recommended rate implementation plan would provide for sustainable long-term funding for projected needs
- Recommended rate changes would be phased in to minimize the bill impacts to customers
- Recommendation would address rate issues that were of primary concern including fixed rate recovery, winter quarter and establishing a sewer billing cap
- Recommended new miscellaneous fees and codification of existing fees and corrections to existing rate schedules
- Changes will require an amendment to the Town Code, which have been advertised as required
- Change in the water and sewer fixed charges to \$14.40 improves rate equity based on the “readiness to serve” principle and allows for increased revenue stability
- Changes to the fixed rate will be phased in over a five year period
- All recommendations have been endorsed by the Utility Rate Advisory Committee
- Recommendation was to eliminate the normal use/high use surcharge and implement a four tiered inclining water conservation residential rate structure
- Recommendation for a two tiered water conservation rate for irrigation customers
- Recommendation for elimination of the 1:1 sewer charge and implementation of a single family residential billing cap at 30,000 gallons per quarter

- Commercial and apartment rates have a recommended five tiered plan
- The effect of increasing the sewer cap from the recommended level would result in an increase in billing units, thereby lowering the effective rate per thousand gallons charged – benefits low use customers
- 92% of all accounts are residential; commercial and multifamily make up roughly 7% of the customer base. There is only a small amount of irrigation accounts
- Miscellaneous fees do not make up a large percentage of total revenues
- Miscellaneous fees are charged to the customer incurring the service allowing the town to recover those costs
- Some miscellaneous fees were adopted in 2010, but not codified correctly
- Miscellaneous fees do not typically affect residential users

There were no citizens wishing to address this public hearing.

Council Comments/Questions:

- Is there a cost for backflow inspections in other jurisdictions?  
Consultant answer: Most jurisdictions do charge for these inspections.
- Concern to create a disincentive to report leaks
- Does the town charge for checking for leaks?  
Staff answer: There is a trip fee, but with the online water usage reporting, there is a higher instance of finding potential leaks sooner, rather than later, for the customer. Staff is able to instruct the customer to do some investigating on their own prior to dispatching staff.

*On a motion by Vice Mayor Butler, seconded by Council Member Wright, the following was proposed:*

***ORDINANCE 2014-O-024***

*To Amend and Reordain Sections of Chapter 34 (Utilities), Articles II (Water System) and III (Sewers and Sewage Disposal) of the Town Code of Leesburg, Virginia, 2009, as Amended and Section 34 of Appendix B Fee Schedule Regarding Water and Sewer Fees, Rates and Charges*

Council Comments/Questions:

- Would like to thank staff, the consultant and the Utility Rate Advisory Committee for all their work
- Some of the reasons for rate increases are caused by the need to continually improve the Chesapeake Bay quality, as well as regulations for water quality
- Not totally convinced that 30,000 is the right cap
- Should be moving forward in recruiting new businesses (higher water users), not hampering them with regulations
- Should not consider the correlation between conservation and water rates for this discussion
- There is no correlation between water usage and income level

- Should not discuss raising rates until the subject of expense cuts in the utility department, finding sources of increased customers, or encouraging customers to use more water
- Utility plant was designed to accommodate all possible growth allowed by the Town Plan – increasing customers will mean the plant will need to be expanded to accommodate planned growth
- Town cannot supply water for Raspberry Falls without a request from Loudoun Water
- Would prefer to keep capacity for town needs in the future rather than selling excess capacity now
- A decision to raise the rates isn't made without a lot of deliberation – but is the fiscally responsible action
- Currently at 75% of plant capacity – 80% triggers the need for another plant expansion. This is equivalent to approximately 750 new residential customers
- Conservation is an important aspect of the proposed rate increase

*Council Member Wright offered a motion to amend the motion by adopting alternative #1 for the sewer billing cap at 36,000 gallons. The motion was seconded by Council Member Burk.*

Council Comments/Questions:

- Amendment moves in the right direction
- Puts an unfair burden on those who irrigate

*The motion to amend was approved by the following vote:*

*Aye: Burk, Martinez, Wright, and Mayor Umstatt*

*Nay: Butler and Hammler*

*Vote: 4-2-1 (Dunn abstaining)*

*The main motion was approved by the following vote:*

*Aye: Burk, Butler, Hammler, Martinez, and Wright*

*Nay: Dunn and Umstatt*

*Vote: 5-2*

## 11. RESOLUTIONS AND MOTIONS

### a. Mervin Jackson Park

*On a motion by Council Member Martinez, seconded by Council Member Burk, the following was proposed:*

***RESOLUTION 2014-084***

*That Town Council Approve a Base Design Concept for Mervin Jackson Park that does not exceed \$30,000*

Council Comments/Questions:

- Appreciate the Parks and Recreation Commission's work highlighting the different options
- Appreciate the ability to keep it within the budget this year
- Drawings presented can be changed
- Happy to get the space utilized for something other than melting snow
- Missed opportunity to utilize the space to bring people downtown and add to economic vitality
- Interactive fountain would attract visitors
- Concerned that this is a move to force an outcome that is not in consideration of the original motion, which included a possible building on the site
- Sites do not have to reflect the individual preferences of their namesakes

*Vice Mayor Butler made a motion to add \$100,000 for an interactive fountain on the west side of the park. The motion was seconded by Council Member Martinez.*

Council Questions/Comments:

- Can money be found in the budget to pay for this?  
Staff answer: There is no money allocated in the present budget. There is about \$30,000 built into the budget as a contingency for Council needs; however, anything more than that is not established. Historically, the town has never finished a fiscal year without a surplus on the expenditure side so it would be possible, if directed, to force savings to find the additional \$100,000 for a fountain.
- With a limit of \$30,000, what is included?  
Staff answer: Within the \$30,000, the plan calls for development of the Rose Garden area and museum garden area and providing connectivity to the grass spaces in front of the garage. Future additional amenities, such as provision of a restroom facility or an interactive fountain could be evaluated as part of the budget process in future years.

*The motion failed by the following vote:*

*Aye: Burk and Butler*

*Nay: Dunn, Hammler, Martinez, Wright, and Mayor Umstatt*

*Vote: 2-5*

*The original motion was approved by the following vote:*

*Aye: Burk, Butler, Martinez, Wright and Mayor Umstatt*

*Nay: Hammler and Dunn*

*Vote: 5-2*

**13. UNFINISHED BUSINESS**

- a. None.

**14. NEW BUSINESS**

- a. None.

**15. COUNCIL COMMENTS**

Council Member Hammler thanked everyone for allowing her to participate electronically in this evening's meeting. She stated she attended a special Loudoun County economic development meeting where it was raised that the Loudoun County economic development group was looking for office space and she has asked them to expand in Leesburg. She mentioned that she attended the opening of the new ABC store. She stated there are only two premier ABC stores in the state.

Vice Mayor Butler disclosed a discussion with the developers of Oaklawn and the Stratford community. He stated that the Stratford community is generally supportive and their concerns lie mostly with the completion of Hope Parkway. Further, he added that he will be in Tysons Corner on Saturday for the inaugural run of Metro's Silver Line.

Council Member Burk noted that she also attended the grand opening of the ABC store, which she noted is quite upscale. She stated she attended the Downtown Improvements Project information meetings, which were poorly attended. She congratulated Stilson Greene and the town staff for Acoustics on the Green, which has become very successful. She stated she attended the meeting where plans for the Courthouse expansion were unveiled and expressed a hope that the developers will work with those who will be using the building to make it more functional. She also stated she attended the opening of the INOVA Rehabilitation building. She also discussed a meeting with Mike Banzhaf on Potomac Station.

Council Member Martinez stated he has heard very good reviews of Acoustics on the Green. He thanked Council for Mervin Jackson park and noted that it was a way to honor a former colleague. With respect to the water rates, he stated it was difficult, but needed to be done. He stated he hopes to be able to explore ways to help those in need.

Council Member Wright had no comments.

**16. MAYOR'S COMMENTS**

Mayor Umstatted disclosed a meeting with Greg Wigfield, who would like to get a temporary use of the old sheriff's office on Catoctin Circle for Providence School. She noted that currently there is no provision in the zoning ordinance to allow a temporary special exception for that type of use. She stated he anticipates needing to use the property for approximately two to three years. She stated she met with Mike Banzhaf and Clark Construction representatives regarding Potomac Station Marketplace. She stated they are proposing a 50% reduction in residential use and a significant reduction in commercial use as well. She stated she had a lot of fun being a judge in the Miss Loudoun County Fair pageant on Sunday. She congratulated everyone who participated. She stated the winner made a very poignant speech about how she had been bullied in high school because she did not fit everyone's view point of beauty. She stated one of the younger winners also disclosed that she had been bullied. She stated

that parents should encourage their children not to bully other children and to help those who get bullied.

**17. MANAGER'S COMMENTS**

John Wells announced that the bond sale was successful. He stated interest rates were around 3% and noted he would be meeting with the financial advisors who are preparing a report to provide the full implications of the sale compared with what was included in the budget.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Wright, seconded by Vice Mayor Butler, the meeting was adjourned at 10:14 p.m.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
2014\_tcm0722